

21 C.J.S. Courts § 250

Corpus Juris Secundum | May 2023 Update

Courts

M. Elaine Buccieri, J.D.; James Buchwalter, J.D.; Amy G. Gore, J.D., of the staff of the National Legal Research Group, Inc; and Lonnie E. Griffith, Jr., J.D.

VII. Records

§ 250. Amendment of court records—Proceedings

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  116(5), 116(6)

Court records may be amended *sua sponte*, or on the application of a party or any other interested person, and a basis for the amendment must be shown.

A court may correct clerical errors in its records on its own motion or upon an application by the parties¹ or any interested person.²

It is usually necessary that a basis for an amendment be shown by a written memorandum,³ but an application without some documentation is permissible where the amendment corrects some omission in the record and does not impeach or contradict the record's contents.⁴ Such an amendment may be supported by affidavits⁵ or the judge's recollection.⁶

An amendment to court records relates back to the time when the proceedings were conducted.⁷

Westlaw. © 2023 Thomson Reuters. No Claim to Orig. U.S. Govt. Works.

Footnotes

1 Cal.—[People v. Mitchell](#), 26 Cal. 4th 181, 109 Cal. Rptr. 2d 303, 26 P.3d 1040 (2001).

2 N.C.—[State v. Dixon](#), 139 N.C. App. 332, 533 S.E.2d 297 (2000).

3 Ill.—[Frank v. Village of Barrington Hills](#), 106 Ill. App. 3d 747, 62 Ill. Dec. 526, 436 N.E.2d 276 (2d Dist. 1982).

4 Ill.—[Paschen Contractors, Inc. v. Illinois State Toll Highway Authority](#), 225 Ill. App. 3d 930, 168 Ill. Dec. 902, 590 N.E.2d 539 (2d Dist. 1992).

5 Ill.—[Frank v. Village of Barrington Hills](#), 106 Ill. App. 3d 747, 62 Ill. Dec. 526, 436 N.E.2d 276 (2d Dist. 1982).

6 Ill.—[Frank v. Village of Barrington Hills](#), 106 Ill. App. 3d 747, 62 Ill. Dec. 526, 436 N.E.2d 276 (2d Dist. 1982).

7 N.C.—[State v. Dixon](#), 139 N.C. App. 332, 533 S.E.2d 297 (2000).

Okla.—[Ex parte Baker](#), 1930 OK 302, 144 Okla. 52, 289 P. 253 (1930).

End of Document

© 2023 Thomson Reuters. No claim to original U.S.
Government Works.